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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,561	02/05/2002	Qinghuang Geng	PIL0074/US	6943

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EXAMINER	
TRAN LIEN, THUY	

ART UNIT	PAPER NUMBER
1761	

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/068,561	GENG ET AL.	
	Examiner	Art Unit	
	Lien T Tran	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 the term " bread-like" is indefinite because the scope of the such language can not be determined. What will be considered as " bread-like"?

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geng et al (6180151) in view of Saari et al (5049398) and the textbook " Element of Food Technology".

Geng et al disclose an extrusion method to obtain leavened dough products. The method comprises the step of extruding a mixture comprising flour, water and chemical leavener. The extrusion temperature is less than about 145 degree F and is used to produce a variety of dough products. The products can be unfilled dough products such as bread sticks, biscuits, muffins or filled products such as pizza rolls. Following extrusion, the raw dough product can be cooked by frying, boiling, baking or microwave cooking. The dough can be refrigerated or frozen before of after cooking. For filled dough products, the filling can be dispensed within the extruder and sealed to form the completed product; the filling can be incorporated following the extrusion process. The dough comprises 48-80% flour, less than about 10% leavener and from about 18-45% water. (see columns 2-6)

Geng et al do not disclose the specific volume of the product, the crumb color of the product, adding pregelatinized starch having the amylopectin content as claimed and making a filled product by laminating.

Saari et al disclose a method of preparing microwave bread. The bread loaf formulation essentially comprises flour, water, yeast, salt, oil and farinaceous components having its starch pregelatinized. They teach to add a preglatinized starch to benefits with regard to softening the crumb texture upon microwave refreshening without materially adversely affecting the crispness of the crust. The pregelatinized starch can be derived from wheat, rice, corn, potato or other common cereal grains. The starch is used in amount of 1-20%. (see col. 5 table 1 and col.6 lines 50-68)

The textbook shows that most starches found in the world contain 22-26% amylose and 74-78% amylopectin.

It would have been obvious to one skilled in the art to add pregelatinized starch as taught by Saari et al to the Geng et al dough composition to obtain the benefit taught by Saari et al. The Geng et al product is a frozen product which can be reheated in the microwave or other conventional means. Saari et al disclose the benefits obtained from adding the pregelatinized starch are found both in microwave reheating and reheating by a conventional oven or toaster oven (see col. 9 lines 50-58). The pregelatinized starches disclosed by Saari et al have the amount of amylopectin claimed in claim 1 as shown by the textbook. As to the starch having the amylopectin in claims 2-3, Saari et al only require that the starch be pregelatinized ; there is no restriction on the amount of amylopectin. Thus, it would have been obvious to one skilled in the art to select any known starch as long as it is pregelatinzed. Starch having high content of amylopectin is known in the art. It would also have been obvious to make filled product by laminating the dough layers; this, is notoriously well known in the art such as the making

of ravioli, or dumpling etc.. As the color, the dough product of Geng et al contains the same ingredients and the range falls within the range claimed; thus, it is obvious the dough will have the same color. The volume of the product can vary depending on the type of product, the amount of leavener used and the texture wanted. It would have been obvious to one skilled in the art to vary the amount of leavener depending on the type of product made to obtain a specific volume which would give the most optimum texture. This can readily be determined through routine experimentation.

Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Tuesday, Wednesday and Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 14, 2004

Lien Tran

LIEN TRAN
PRIMARY EXAMINER
Group 1700